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*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ABRAHAM WILKINS, : Case No. 03 Civ 1581 (JG/CLP)

Plaintiff, :

- against - :

**NOTICE OF MOTION**

MASON TENDERS' DISTRICT COUNCIL :  
PENSION FUND and THE TRUSTEES OF THE :  
MASON TENDERS' DISTRICT COUNCIL :  
PENSION FUND, :

**ECF CASE**

Defendants. :

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PLEASE TAKE NOTICE that, upon the annexed affidavits of Messrs. John Virga and Russell L. Hirschhorn and exhibits thereto, and upon Defendants Mason Tenders' District Council Pension Fund and the Trustees of the Mason Tenders' District Council Pension Funds' (the "Defendants") Rule 56.1 Statement, and the accompanying memorandum of law, and all the pleadings and proceedings had herein, Defendants will move this Court before the Honorable John Gleeson, on February 18, 2005 at 9:45 a.m., in the United States Courthouse, Eastern District of New York, United States District Court, 225 Cadman Plaza East, Brooklyn, NY 11201, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting Defendants' motion for summary judgment of Plaintiff's Complaint, and awarding Defendants

further relief as the Court may deem just and proper.

Dated: New York, NY  
January 7, 2005

PROSKAUER ROSE LLP

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